

Application No.: 08/737904

Docket No.: IM1-040CP3

REMARKS**Amendments to the Specification**

The "Related Applications" section has been amended as suggested by the Examiner. No new matter has been added.

Amendments to the Claims

Claims 1-3, 10-13, and 21 have been canceled without prejudice. Claims 22 and 23 have been amended. Accordingly, claims 22 and 23 will be pending upon entry of this amendment.

Specifically, claim 22 has been amended to be rewritten in independent form. Claim 23 has been amended to depend from claim 22. Support the amendment of claims 22 and 23 can be found throughout the specification as originally filed. No new matter has been added.

The foregoing claim amendments should in no way be construed as an acquiescence to any of the Examiner's rejections, and have been made solely to expedite prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or in a subsequent patent application. No new matter has been added to this application.

Rejection of Claims 1-3, 10-13, and 21-23***Under Obviousness-type Double Patenting***

Claims 1-3, 10-13, and 21-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 5,710,126. Claims 1-3, 10-13, and 21 have been canceled. Therefore, this rejection pertains only to claims 22 and 23.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer which disclaims any portion of the patent issuing from the above-referenced application that extends beyond the patent term of either U.S. Patent No. 5,710,126. Accordingly, the rejection is now moot.

Rejection of Claims 12 and 13 Under 35 U.S.C. §112, Second Paragraph

Claims 12 and 13 are rejected under 35 U.S.C. §112, second paragraph, "as being indefinite." In particular, the Examiner states that claims 12 and 13 "depend from claims 1 or 2 which read on peptides consisting of the recited amino acid sequences (and are therefore closed

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and do not encompass peptides with amino acid additions or substitutions) whilst the solubility modified peptides of claims 12 and 13 encompass peptides with amino acid substitutions (as per the specification, page 12)."

In the interest of expediting prosecution, claims 12 and 13 have been canceled. Therefore, this rejection is now moot.

Rejection of Claims 1-3, 10-13, 21 and 23 Under 35 U.S.C. §103(a)


Claims 1-3, 10-13, 21 and 23 are rejected under 35 U.S.C. §103(a) "as being unpatentable over Singh *et al.* in view of Perez *et al.*" Applicants respectfully traverse this rejection. However, to expedite prosecution, claims 1-3, 10-13, and 21 have been canceled and 23 has been amended as set forth above. Therefore, this rejection is now moot.

CONCLUSION

Based on the foregoing, all the claims are in condition for allowance. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

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Respectfully submitted,

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